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UNCLAS THE HAGUE 003043

SIPDIS

STATE FOR L/LEI AND EUR/UBI
JUSTICE FOR OIA/JFRIEDMAN

E.O. 12958: N/A

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SUBJECT: EXTRADITION: NETHERLANDS: ANTONIO BENTO BEMBE SKIPS
OUT

REF: STATE 142249

1. Summary: A Dutch prosecutor informed the Embassy on November 8 that Antonio Bento Bembe, an Angolan national wanted in the U.S. on charges of kidnapping, has not reported to the police since November 5 despite court orders requiring him to report in daily. Bembe's whereabouts are unknown. Police are attempting to locate him. End Summary.

2. The Hague District Court released Bembe from detention on October 4 -- following a second postponement of his extradition hearing -- on condition that he report daily to the police. Bembe dutifully reported until Sunday, November 5, but has since "gone missing." Police efforts to locate him, including discussions with his acquaintances, have proved unsuccessful. If found, Bembe will be taken back into custody. Ministry of Justice officials told us there is a good chance that Bembe may have left the country.

3. The next court hearing is scheduled for November 15. The MOJ wishes to proceed as if he were still going to appear in court, according to MOJ contacts. These contacts told us the MFA has indicated to the MOJ that it is now reluctant to provide the supplemental information about its role in issuing Bembe a visa requested by the court. MFA Consular Section Chief Roelof van Ees, however, assured us that the MFA is continuing to prepare the information requested by the court. He indicated that the MFA expected to meet the November 9 deadline for submitting the information.

4. If Bembe does not appear on November 15, MOJ officials say the court is likely to decline to rule on the merits of the extradition request due to the physical absence of Bembe. Ruling in absentia is not a possibility. If he were later to be found, the prosecutor could resubmit the extradition request to the court. The court could also simply defer proceedings, but that is considered less likely if it seems that Bembe has truly disappeared.

5. The Ministry of Justice and prosecutor's office expressed to us their extreme unhappiness with the latest development. They noted they had strongly objected to the court's decision to release Bembe from custody pending the conclusion of the court's hearing on the extradition request.

6. Bembe's failure to continue to check in daily with the police constitutes grounds for detaining him if he is located, but is not itself a punishable offense in the Netherlands.

Blakeman